MINUTES

LAKE COUNTY ZONING BOARD

AUGUST 2, 2006

The Lake County Zoning Board met on Wednesday, August 2, 2006 in the Commission Chambers on the second floor of the Round Administration Building to consider petitions for rezonings, Conditional Use Permits, and Mining Site Plans.

The recommendations of the Lake County Zoning Board will be submitted to the Board of County Commissioners at a public hearing to be held on Tuesday, August 22, 2006 at 9 a.m. in the Commission Chambers on the second floor of the Round Administration Building, Tavares, Florida.

Members Present:

Timothy Morris, Vice Chairman

Scott Blankenship

District 2

James Gardner, Secretary

Robert H. Herndon

Paul Bryan, Chairman

District 5

Donald Miller Member-at-Large

Larry Metz School Board Representative

Staff Present:

R. Wayne Bennett, AICP, Planning Director, Planning and Development Services Division Rick Hartenstein, Senior Planner, Planning and Development Services Division Stacy Allen, Senior Planner, Planning and Development Services Division Jennifer DuBois, Senior Planner, Planning and Development Services Division Denna Levan, Associate Planner, Planning and Development Services Division Mary Harris, Public Hearing Coordinator, Planning and Development Services Division Sherie Ross, Public Hearing Coordinator, Planning and Development Services Division Ross Pluta, Engineer III, Engineering Division Sanford A. Minkoff, County Attorney

Chairman Bryan called the meeting to order at 9:05 a.m. He led in the Pledge of Allegiance and gave the invocation. He confirmed that Proof of Publication is on file in the Planning and Development Services Division and that the meeting has been noticed pursuant to the Sunshine Statute.

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Adjournment	10:30 a.m.	

Minutes

MOTION by Timothy Morris, SECONDED by Robert Herndon to approve the July 5, 2006 Lake County Zoning Board Public Hearing minutes, as submitted.

FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller

AGAINST: None

NOT PRESENT: Metz

MOTION CARRIED: 6-0

Discussion of Consent Agenda

Chairman Bryan explained the procedure for hearing cases on the consent agenda. He stated that no speaker cards had been received for any of the cases on this consent agenda. He confirmed with Rick Hartenstein, Senior Planner, that no letters of opposition had been received for any of the cases on this consent agenda; there was no one on the Board nor anyone in the audience who wished to speak on any of these cases.

Consent Agenda:

CASE NO.: OWNER/APPLICANT:	CUP#06/8/2-5 Vantaggio Investment Group, LLC Imilsis "Amy" Velazquez	AGENDA NO.:	1
CASE NO.: OWNER: APPLICANT:	PH#76-06-4 Jim Granger Leslie Campione, P.A.	AGENDA NO.:	2
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CASE NO.: OWNER:	ACUP#004-2002 Jose G. Cuevas	ANGENDA NO.:	19

MOTION by Timothy Morris, SECONDED by Robert Herndon to recommend approval of the following actions on the above consent agenda:

CUP#06/8/2-5	Continuance to 9/06/06
PH#76-06-4	Approval of RP Zoning
PH#78-06-2	Continuance to 9/06/06
PH#50-06-2	Continuance to 9/06/06
PH#53-06-5	Continuance to 10/04/06
PH#26-06-5	Continuance to 10/04/06
PH#73-06-3	Approval of AR Zoning

CUP#06/8/4-5 Approval of a CUP in A to allow a Pet Grooming

and Boarding Facility

PH#79-06-5 Approval of Agriculture Zoning

PH#69-06-3 Approval of HM Zoning

PH#70-06-4 Approval to amend PUD Ordinance

#2001-122

PH#74-06-4 Approval to amend CP Ordinance #28-90

CUP#06/8/3-5 Approval of a CUP in R-1 Zoning for a Wholesale

Plant Nursery

ACUP#004-2002 Jose G. Cuevas

FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller

AGAINST: None

NOT PRESENT: Metz

MOTION CARRIED: 6-0

Submission of Exhibits

Chairman Bryan stated that all exhibits presented at this meeting by staff, owners, applicants, and those in support or opposition must be submitted to the Public Hearing Coordinator prior to proceeding to the next case. He asked everyone who speaks on a case to print his/her name on the sign-in sheet and to speak his/her name into the record.

CASE NO.: PH#75-06-4 AGENDA NO.: 6

OWNERS: Wiley Davis, Jr. and Ann Davis

APPLICANTS: Land Use Associates, LLC/Steven J. Richey, P.A.

Rick Hartenstein, Senior Planner, stated that Steven J. Richey has requested a 30-day continuance until September 6, 2006 in order to provide additional information to staff. Chairman Bryan confirmed that staff concurs with this request. He said three speaker cards from people in opposition had been turned in. There was no opposition in the audience to this continuance request.

MOTION by Timothy Morris, SECONDED by Robert Herndon to approve the continuance request in PH#75-06-4 until the September 6, 2006 Lake County Zoning Board public hearing.

FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller

AGAINST: None

NOT PRESENT: Metz

MOTION CARRIED: 6-0

CASE NO.: PH#80-06-3 AGENDA NO.: 4

OWNER: Florida Georgia District of the Lutheran Church APPLICANT: Michael Mahler, Vice President, Precision Land

Investments, Inc.

Jennifer DuBois, Senior Planner, presented the case and staff recommendation of approval.

Larry Metz came into the public hearing.

In response to Chairman Bryan, Ms. DuBois said staff concurs that the proposal is well below the maximum allowable development on the property. She noted that a letter of opposition with 18 signatures was received from the Willo Pines community yesterday. Rick Hartenstein distributed a copy of the conceptual plan as County Exhibit A and a text document on the project as County Exhibit B.

Scott Blankenship was informed by Ms. DuBois that she has referenced in the draft ordinance that the development of the site shall be substantially consistent with the conceptual plan submitted as County Exhibit B. In response to Mr. Blankenship, Ms. DuBois said the applicant has submitted a traffic study; and it was reviewed by Public Works. Some road improvements will be required. When Mr. Blankenship asked if other approved, but not completed, developments were considered in the traffic study, Ms. DuBois said they were. She noted the comments of Public Works regarding access management that the proposed entrances to the project shall meet all sight distance requirements and that turn lanes at both entrances shall be required. In addition, the dedication of additional right-of-way may also be necessary. Those issues would be addressed further during the preliminary platting stage of the project.

Jeff Richardson of CPH Engineers in Orlando said that the original request was for 283 units, but that has been reduced to 226 units on the revised conceptual plan. The overall net density of the project is about 1.52 units per acre. The gross density is about 1.2 units per acre. Within the Urban Expansion land use designation, the density is approximately 2.17 units per acre; within the Suburban land use designation, the density is 1.5 units per acre. He pointed out that the comments from the School Board were based on 283 units. He acknowledged that they will need to work with the School Board before moving to final plat.

Darlene Hughes was present to represent the neighborhood behind the Woodlands on Willo Pines Lane. She said they sent a letter of objection via fax yesterday. She submitted the letter as Opposition Exhibit A, noting these four points: transportation impacts, school impacts, environmental impacts, and planning issues.

Regarding the transportation impacts, Mr. Richardson said that Public Works has included in their comments that as part of the design of the project, the applicant must mitigate the safety issues regarding the entrances. The turn lanes at each of the entrances should calm some of those issues. He reiterated that they would work out the school issues with the School Board. As much as possible, they have avoided any environmental impacts on this property except for the removal of trees in order to facilitate development. Wetlands and floodplains have been completely avoided except for two areas that will have minor impacts, lots 15 and 36, for a total of about 1,000 square feet of impact. On lot 15, the lot extends five feet by seven feet into the 50-foot wetland buffer, which is a no-build zone. Lot 36 has less than 700 to 800 square feet within the floodplain. Their intent is to retain as many trees as possible within the buffer areas and within the open areas. A detailed tree survey is currently being done. No town homes are planned for this project. There will be a buffer of approximately 75 feet. If that area is wooded, the woods will probably not be touched. They will try to accommodate a larger buffer with existing vegetation.

When Mr. Blankenship asked the size of the homes, Mr. Richardson replied that the information sent to staff indicated a minimum size of 1600 square feet. The side setbacks will be 7-1/2 feet, which will meet fire requirements. This will provide a minimum of 15 feet between structures.

When Mr. Blankenship spoke of traffic generated by proposed development in the area, Ross Pluta said

CASE NO.: PH#80-06-3 AGENDA NO.: 4

OWNER: Florida Georgia District of the Lutheran Church PAGE NO. 2

APPLICANT: Michael Mahler, Vice President, Precision Land

Investments, Inc.

that is why Public Works has requested a traffic study. The Sugarloaf Mountain PUD is vested for 600 homes. Mr. Pluta stated that usually the first to fail are the intersections, not the roads. He added that there is still capacity on CR 455. If the road has to be widened, Timothy Morris asked if it would affect the designation of a scenic highway. Mr. Pluta said it could not be four-laned, but it could be widened.

At the request of Chairman Bryan, Ms. DuBois explained the requirements for tree removal.

Mr. Morris said he also had a concern with the traffic on the highway as there is a lot of development occurring in this area. Mr. Blankenship said he is not against development in the area. However, it was his opinion that CR 455 cannot handle all the proposed development coming out onto Highway 50. Currently he has a difficult time getting out onto Highway 50. This project will just exacerbate the problem. He would like to see less density and better answers from Public Works on transportation. He spoke of the triathlon events and the Montverde Academy in the area and their effect on the corridor. Mr. Blankenship felt this project is premature. Mr. Morris added that the Academy is building a two-story building to increase its capacity. Donald Miller agreed that the road cannot handle all the traffic that will be generated.

MOTION by Donald Miller, SECONDED by Scott Blankenship to recommend denial of PUD zoning in PH#80-06-3.

FOR: Morris, Blankenship, Bryan, Miller, Metz

AGAINST: Gardner, Herndon

MOTION CARRIED: 5-2

CASE NO.: PH#77-06-1 AGENDA NO.: 10

OWNER/APPLICANT: Roger Rojas

Stacy Allen, Senior Planner, presented the case and staff recommendation of denial. She showed the aerial from the staff report on the monitor.

Chairman Bryan asked what uses staff felt should or would be allowable, based on Lake County current codes. Ms. Allen replied that an automobile shop is more of a C-2 use. C-1 uses would be more compatible with the area.

Chairman Bryan noted that no speaker cards had been received for this case.

Roger Rojas was present to represent the case. He said he was planning to have an automotive repair shop with a specialty in air conditioning and electrical work. He already has an automotive repair shop, but it is a distance from this site. Since there is a combination gas station/convenience store one block away, he did not think this would be a problem.

In response to Timothy Morris, Mr. Rojas said he would have two to three automobiles on the premises at one time. He works for himself, with no employees. He would be storing parts for the vehicles, but not vehicles for parts. Mr. Morris confirmed that Mr. Rojas would not have ten cars on the site waiting to be worked on. Mr. Morris noted that there is residential around this site, and he did not want this to become a storage ground for automobiles. Mr. Rojas said there would be no oil changes done.

When Donald Miller asked if Mr. Rojas would be adding onto the existing building, Mr. Rojas replied that he would not be doing that; there is space on the side and front where he can do his work.

Scott Blankenship asked if cars waiting for parts would be parked outside overnight, Mr. Rojas said he could park one or two cars outside in the back and has space for one car inside the building.

Chairman Bryan said he shared Mr. Morris' concern about a large number of cars on the site; but if a condition is added regarding the number of cars allowed on the site at one time, he felt that concern would be addressed.

MOTION by Timothy Morris, SECONDED by Robert Herndon to recommend approval of the request to amend CP Ordinance #24-84 to allow an automotive repair shop on site with the condition that no more than three cars shall be parked on the site overnight in PH#77-06-1.

FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller, Metz

AGAINST: None

MOTION CARRIED: 7-0

CASE NO.: CUP#06/8/5-5 AGENDA NO.: 13

OWNER: Douglas A. Hill, Sr.

APPLICANT: Verizon Wireless, c/o Laura B. Belflower, P.A.

Stacy Allen, Senior Planner, presented the case and staff recommendation of approval. She showed the aerial from the staff report on the monitor and noted that two letters of opposition had been received, both on behalf of the O'Dell property.

Laura Belflower was present to represent Verizon Wireless. She said they have reviewed the staff report and proposed ordinance and are in agreement with all of the provisions in the documents.

Leslie Campione was present on behalf of Jack and Joseph O'Dell

Joseph O'Dell said their property is due south of this proposed tower. He said that for over a year, they have requested that this property become Urban Expansion. He felt this tower would greatly affect the property values in this area. He would like to register their complaint. He submitted a letter of opposition from Mayfield Realty as Opposition Exhibit A. He spoke of two other letters from brokers in the area also expressing their concerns, which Mary Harris, Public Hearing Coordinator, may have received. Their property is a 160-acre tract, and they were planning on putting development on this tract. He reiterated that 14 months ago, they requested Urban Expansion on the site.

When Timothy Morris asked about the status of the process of his request for Urban Expansion, Mr. O'Dell submitted a letter from Steve Richey to Amye King dated May 16, 2005 as Opposition Exhibit B. In response to Mr. Morris, Ms. Campione said she has not been involved in that process. She has reviewed the information submitted by Mr. Richey. Half of the property is already Urban Expansion; the other half of the property is Rural. This was a request made by Mr. Richey through the Planning and Development Services Division in conjunction with the Comprehensive Plan amendment change that is being prepared by staff and reviewed through the Local Planning Agency (LPA). The property to the immediate east/southeast is in the process of annexing into the Town of Lady Lake. The owners of that property have requested 620 units.

In response to Mr. Morris, Ms. Allen said the land use designation would not affect this request for a Conditional Use Permit (CUP).

Valerie Fuchs was present to represent Berlin Farm that owns property abutting the subject site. Her client does not have an objection to the tower itself. Their concern regards the 15-foot private dirt road, Sunshower Lane/Road that leads into this property site. It is in sufficient condition for the three owners who use it, but it would not be sufficient for construction or maintenance trucks. She has spoken with the applicant, and they have come to an agreement on language to be added to the CUP as a condition. She submitted that language as Opposition Exhibit C and read it into the record. If that language is included, she said her client would be satisfied.

Ms. Belflower confirmed that Verizon Wireless is in agreement with that condition. Regarding the O'Dell's concern, the property where the tower would be placed is already in the Urban Expansion land use designation. She pointed out that the proposed tower is required to be in the center of the property or 330 feet away from the southern boundary. This is a monopole tower and will not lighted unless required by the Federal Aviation Authority (FAA), and there is no reason to believe that the FAA would require this. This proposed tower will not produce noise, odor, vibrations, or dust. The traffic generated would be approximately one round trip per carrier per month. Regarding impacts on property values, there have been repeated studies done on this subject by professional appraisers, and their findings have consistently been that communication towers do not have a material impact on surrounding property values. She submitted a letter from Lee Pallardy, Inc. (Applicant Exhibit A) that was prepared for a site Verizon Wireless had in Hillsborough County. It referenced studies they had done in Lake County and many other counties that showed no adverse impact in market sales from cellular communication tower installations. Although they understood the concerns of the residents, Verizon Wireless believes that this facility will have no impact on

CASE NO.: CUP#06/8/5-5 AGENDA NO.: 13

OWNER: Douglas A. Hill, Sr. PAGE NO.: 2

APPLICANT: Verizon Wireless, c/o Laura B. Belflower, P.A.

the ability of the surrounding properties to be developed and to fully utilize their properties. She requested a recommendation of approval.

Mr. Blankenship was informed by Ms. Belflower that the tower would be designed for collocation. Chairman Bryan commented that the Code requires this.

When Mr. Morris asked Ms. Belflower how confident she was that this tower would not affect property values in the area, Ms. Belflower said all the studies indicate that communication towers do not impact property values. There is no reason to believe that there will be a material impact to the surrounding properties. However, she said they would not be agreeable to adding that as a condition. Chairman Bryan said his experience has been that the tower would not have an adverse effect on property values in the long run. Donald Miller agreed.

Mr. Morris said this would be a 180-foot pole up in the air with many residents nearby.

Robert Herndon said he could support this request. Mr. Miller also said he could support it.

MOTION by Donald Miller, SECONDED by Robert Herndon to recommend approval of a Conditional Use Permit in the Agriculture zoning district for a 180-foot monopole communication tower and associated accessory uses within a 75-foot by 75-foot lease parcel/compound in CUP#06/8/5-5 with the following language added:

If Sunshower Lane/Road is to be used during the construction of the tower, applicant shall clear grade said road prior to commencing construction. Applicant is required to reasonably maintain Sunshower Lane/Road during construction of the tower. Applicant is required to repair any damage to Sunshower Lane/Road during or after construction of the tower caused by applicant's construction or use of the tower or tower site.

FOR: Blankenship, Gardner, Herndon, Bryan, Miller

AGAINST: Morris, Metz

MOTION CARRIED: 5-2

CASE NO.: CUP#06/8/1-5 AGENDA NO.: 15

OWNER/APPLICANT: Preston O. Sloan

Rick Hartenstein, Senior Planner, stated that this case was originally on the consent agenda but was placed on the regular agenda when a letter of opposition was received. He presented the case and staff recommendation of approval. He showed the aerial and picture of the posting from the staff report on the monitor. Regarding the letter of opposition, the letter writers' concern was that the alligators could escape. This proposed operation would process dead alligators so that concern would not apply to this situation.

When Chairman Bryan asked if there were other similar facilities in Lake County, Mr. Hartenstein said there are some slaughterhouses and smokehouses under conditional use permits in the area. This operation is on the edge of taxidermy. Staff's major concern was the method to be used in disposing of solid waste. That is addressed in the ordinance as a condition.

Scott Blankenship confirmed that this would not be an alligator farm.

In response to Timothy Morris, Mr. Hartenstein said it is his understanding that the turtles will not be slaughtered. Mr. Sloan would be raising them. Chairman Bryan pointed out that the turtle farm is an allowable use.

Regarding the turtle farm, Preston Sloan said the turtles lay eggs; when they hatch, he sells them. James Gardner was informed by Mr. Sloan that he is not a nuisance trapper. He hunts alligators for about five to six weeks of the year. He processes only during the alligator hunting season. The number of alligators he processes during that five to six-week period varies from year to year, but it is usually around 50 alligators. In response to Mr. Morris, Mr. Sloan said the alligator hunting season is ten weeks long, but basically it lasts five to six weeks.

When Mary Flanagan asked if Mr. Sloan would be processing other people's alligators or just his own, Chairman Bryan said Mr. Sloan has indicated that it would only be his own alligators. That could be added to the ordinance as a condition. After discussion among the Board, Chairman Bryan clarified that this would be a commercial operation five to six weeks a year, processing alligators that Mr. Sloan hunted as well as alligators he received from others.

Janet Coffman asked if the alligators would be coming from Lake County only or from other counties as well. Mr. Sloan stated that the alligators would be coming from Lake County and other counties. He said he just sold his business of processing alligator meat, and he would like to do it on his own land as it would be more convenient.

MOTION by James Gardner, SECONDED by Robert Herndon to recommend approval of CUP#06/8/1-5 in Agriculture zoning to permit the operation of a turtle farm and alligator meat processing facility with the conditions stated.

In response to Mr. Morris, Mr. Gardner said the processing would be allowed any time Mr. Sloan receives an alligator, but the main emphasis would be during the hunting season. Chairman Bryan confirmed that there would be no limitation.

FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller, Metz

AGAINST: None

MOTION CARRIED: 7-0

Discussion of School Concurrency Language

Sanford A. Minkoff, County Attorney, said this Board had asked about the basis for school concurrency language being placed in straight zoning ordinances. He explained that at the Board of County Commissioners (BCC) level, this language is being placed in the ordinances with the applicant coming to the podium and stating on the record that he/she agrees with that condition. With the applicant's stated agreement and the condition in the ordinance, the County Attorney's office felt they could enforce it during preliminary plat review. Hopefully by September there will be an interlocal agreement and the County will have a concurrency ordinance for schools in the Land Development Regulations (LDRs). Therefore, he felt this is a short-term issue with little risk. The BCC was willing to take that risk rather than have smaller subdivisions or rezonings be held up in the process.

Mr. Minkoff added that what they hope to do when an applicant in a straight rezoning case makes a lot of promises on the record that become part of the minutes is to have staff check the minutes when reviewing the plats and attempt to force the developers to live up to their promises. He was not aware of broken promises being a problem in the past. However, if this should happen, the County will then decide whether to turn the developer down based on those promises. When Mr. Blankenship asked how that would be tracked when land is sold, Mr. Minkoff said the reviewers of both commercial site plans and subdivisions will be asked to go back to the minutes of the zoning case when the zoning was granted for that particular land.

R. Wayne Bennett, Planning Director, suggested that as soon as the zoning ordinance and minutes are published, the staff planner could summarize those minutes in terms of potential items that were part of the minutes and part of what the developer offered and place a memo with that information in the file for future reference for staff planners reviewing preliminary plats.

In response to Timothy Morris, Mr. Minkoff said he has not researched any instances where someone made a promise at the podium, it was placed in the ordinance, and whether or not that was be struck down as conditional zoning.

Mr. Bennett spoke of binding elements that could be part of straight zoning that were used at a place he previously worked. He said those were conditions the applicant agreed to.

When the LDRs are rewritten, Mr. Minkoff said this may be an area that could be addressed in a better way. He added that the courts have typically struck down conditional zoning in Florida.

Discussion of Prior Cases

R. Wayne Bennett, Planning Director, stated that the Sorrento Village project was approved by the Board of County Commissioners (BCC). There were some negotiations that occurred between the neighborhood and the applicant. The project was approved with fewer units that what the Zoning Board had recommended.

Regarding Sorrento Hills, the applicant withdrew the case during the course of discussion with the BCC.

In The Golden Fleece PUD/Kosuta case, the applicant agreed to a 120-day deferral so staff could produce the small area study originally requested. This study will be presented to the Zoning Board in a briefing session before the case is heard by the BCC.

<u>Adjournment</u>
There being no further business, the meeting was adjourned at 10:30 a.m.
Respectfully submitted,

Sherie Ross Public Hearing Coordinator Paul Bryan Chairman